

CHAPTER 47
PRIVATE WELL SAMPLING, REHABILITATION, AND CLOSURE—
GRANTS TO COUNTIES

567—47.1(455B) Purpose. The purpose of this chapter is to implement Iowa Code section 455B.172(5) for making grants to counties to administer programs for (1) the testing of private water supply wells, (2) the sealing (rehabilitation) of private water supply wells, and (3) the proper closure of private, abandoned wells (including cisterns) within the jurisdiction of the county.

567—47.2(455B) Funds. Moneys for these grants are derived from a percentage of the agricultural management account of the groundwater protection fund as specified in Iowa Code section 455E.11(2)“b”(3)(b). Moneys in the agricultural management account are dependent on funds derived from Iowa Code sections 200.8(4), 206.8(2), and 206.12(3). During each fiscal year, the amount granted each eligible county or multicounty applicant shall be the total funds available divided by the number of eligible counties which apply and qualify. Upon receipt of the grant, the county may apply the funds at the county’s discretion to any one or more of the following three programs: private water supply testing, private water supply sealing (rehabilitation), and the closure of private abandoned wells (including cisterns).

567—47.3 (455B) Applicability. These rules apply to all grant requests to the department in accordance with Iowa Code section 455B.172(5).

567—47.4(455B) Eligibility. Grant applications must be submitted by a county board of supervisors. Only counties which have adopted standards for private water supply and private sewage disposal facilities (on-site wastewater treatment systems) at least as stringent and consistent with the standards adopted by the commission and demonstrate an effort to enforce such standards will be eligible for receiving grant funds or for participating in a multicounty grant program. A county is eligible to submit only one application, either as an individual applicant or as a member of a multicounty application.

567—47.5(455B) Definitions.

“*Abandoned well*” means a water well which is no longer in use or which is in such a state of disrepair that continued use for the purpose of accessing groundwater is unsafe or impractical.

“*Certified laboratory*” means a laboratory certified by the department to conduct analytical measurements on specified drinking water contaminants certified in accordance with 567—subrule 42.1(3) pertaining to water supplies.

“*Cistern*” means an artificial reservoir or tank constructed underground in which rainwater is stored.

“*Closure*,” “*closing*” or “*close*” means the proper plugging of an abandoned well to permanently seal the well from contamination by surface drainage or contamination of an aquifer, in such a manner that vertical movement of water within the well bore and within the annular space surrounding the casing is permanently prevented.

“*Commission*” means the environmental protection commission created under Iowa Code section 455A.6.

“*County board of supervisors*” means the board of supervisors of a county as established in accordance with Iowa Code section 331.201.

“*Department*” means the department of natural resources created under Iowa Code section 455A.2.

“*Private water supply*” means any water supply for human consumption which has fewer than 15 service connections and regularly serves fewer than 25 individuals daily at least 60 days out of the year.

“*Total funds available*” means the sum of the pesticide/fertilizer taxes allocated within Iowa Code section 455E.11(2)“b” (agricultural management account), within a specific state fiscal year, plus any

carryover funds remaining from the previous fiscal year, which are returned to the section 455E.11(2)“b” (agricultural management account) grants to counties fund.

“*Water well*” means an excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted, or otherwise constructed for accessing groundwater. Water well does not include an open ditch or drain tiles.

“*Well sealing*” means any method of repair undertaken to rehabilitate an existing water well so that the mechanism of groundwater access is sealed to prevent contamination of the aquifer. Alterations may include recasing, installation of liner pipe, installation of packers or well caps, and other unspecified material change in construction such that the rehabilitation brings that portion of the well into compliance with 567—Chapter 49 private water well construction standards. Alterations may not include well redrilling, well deepening, well redevelopment, shock chlorination of the well, or installation of new valves to the well and appurtenances.

567—47.6 to 47.15 Reserved.

567—47.16(455B) Goal and objectives.

47.16(1) The goal of the program is to assist in testing all private water supply wells and to use the test information to improve the quality of water in these supplies; to assist in sealing (rehabilitating) eligible private wells; and to assist in closing all private, abandoned wells (including cisterns).

47.16(2) Specific program objectives for each county.

a. The specific objectives of the well-testing program are:

(1) Provide for regular and periodic testing of private water supply wells using proper sampling, handling and analytical techniques.

(2) Provide for timely responses and corrective action in instances of contamination of private water supply wells.

(3) Establish a reliable and accurate database of information on the location and construction of private water supply wells and water quality of private water supply wells.

(4) Provide individual or multicounties with assistance in meeting the above objectives.

b. The specific objectives of the well sealing (rehabilitation) program are:

(1) To identify all private wells eligible for sealing cost assistance and administer private well rehabilitation programs.

(2) To ensure the proper rehabilitation of all eligible private wells.

(3) To provide cost-sharing grants of up to \$600 per well to owners to assist in the costs of properly sealing (rehabilitating) private wells.

c. The specific objectives of the private, abandoned well closure program are:

(1) To identify all private, abandoned wells and administer private, abandoned well closure programs.

(2) To assist counties in developing private, abandoned well closure plans in accordance with administrative rules relating to the priority order and the proper closure of private, abandoned wells (including cisterns).

(3) To ensure the proper closure of all private, abandoned wells (including cisterns).

(4) To provide cost-sharing grants of up to \$200 per well to owners to assist in the costs of properly plugging private, abandoned wells (including cisterns).

567—47.17(455B) Eligible grant costs. Grant funds may be approved for, but are not limited to, the following costs:

47.17(1) Salary, transportation and other associated costs for conducting the private water supply testing program including costs for staff training, sample collection and responding to inquiries related to or resulting from the private well testing program.

47.17(2) Sampling costs including sample collection equipment, sample handling, transport, and the analytical services and analytical reporting by a certified laboratory. At a minimum, well sampling shall include analyses for total nitrate (including nitrite) and total coliform bacteria.

47.17(3) Conducting environmental health and public information programs related to the private water supply testing program.

47.17(4) Costs of developing county or multicounty private well rehabilitation programs and abandoned well closure programs.

47.17(5) Costs of systematically identifying all private wells (including all abandoned wells) within the program area jurisdiction and maintaining a database inventory system.

47.17(6) Costs of administering a private well rehabilitation and a private, abandoned well closure program.

47.17(7) Payment of the costs for properly rehabilitating private wells providing that such payment does not exceed \$600 for each well.

47.17(8) Costs of administering public information programs emphasizing the benefits of the private, abandoned well closure program.

47.17(9) Payment of the costs for properly plugging private, abandoned wells providing that such payment does not exceed \$200 for each well.

47.17(10) Administrative costs maximum. Not more than 25 percent of grant funds may be used for administrative costs.

567—47.18(455B) Ineligible grant costs. Grant funds shall not be used for the following:

47.18(1) Conducting environmental health programs other than those related to the private water supply well testing program.

47.18(2) Conducting private well testing activities prior to or after the grant period specified.

47.18(3) Analytical services performed by other than a certified laboratory.

47.18(4) Sampling and analytical costs for testing public water supply wells.

47.18(5) Cost of laboratory analytical equipment.

47.18(6) Sampling and analytical costs for testing of wells other than private water supply wells. Wells not used for human consumption such as wells used solely for irrigation or livestock watering are ineligible.

47.18(7) Sampling and analytical costs for testing of parameters which have not had either a maximum contaminant level or an EPA health advisory established.

47.18(8) Grant funds shall not be used for the costs of conducting private well sealing (rehabilitation) activities either prior to or after the grant period. Grant funds shall not be used for the costs of conducting private, abandoned well closure activities either prior to or after the grant period. Grant funds shall not be used to rehabilitate a well which does not meet separation distances as established in Chapter 49. Grant money cannot be used for rehabilitation of a well which, in the judgment of the administrative authority, will remain a hazard to groundwater quality.

Grant funds may be used to conduct rehabilitation intended to preclude contamination due to surface water intrusion by coliform or other infectious bacteria. Examples include repairs of casing, well caps, or pitless adapters, and elimination of well pits.

567—47.19(455B) Performance requirements. Each county participating must have the authority to regulate the construction of private wells at least as stringent as and consistent with administrative rules. The following minimum standards must be met by all grantees:

47.19(1) Sample collection. Private water supply well samples are to be collected using proper sample collection and handling techniques as specified by the department.

47.19(2) Background information.

a. For each well tested, background information shall be collected and recorded, using departmental Form No. 542-1207. Information recorded on the form shall include: a description of the well including depth, location and construction; an evaluation of factors affecting water supply quality;

general sample collection information; and other information needed to provide follow-up to interpret results or respond to inquiries.

b. For each private well which is rehabilitated and for each private, abandoned well (including cisterns), grantees shall maintain the following minimum records:

- (1) The name and address of the private well or private abandoned well owner.
- (2) Private well or abandoned well location to the quarter, quarter section.
- (3) Physical integrity of private wellhead.
- (4) Potential for surface water contamination to enter the private well or abandoned well.
- (5) Distance of private well or abandoned well to an active water supply well.
- (6) Records of dates for rehabilitating private wells or closing private, abandoned wells (including cisterns).
- (7) The name and the license number of the water well contractor conducting the well rehabilitation or the well closure.

c. Summary reports for each program shall be submitted to the department upon request. Programs will stress the need for private, abandoned well and cistern closure through public awareness.

47.19(3) Qualified staff. Staff shall be adequately trained or have the necessary experience to collect the background information requested on departmental Form No. 542-1207 for each well tested. Staff must also have sufficient experience or training to provide follow-up functions such as responding to inquiries or interpreting test results.

47.19(4) Laboratory analyses. All analyses must be performed by a laboratory certified by the department in accordance with 567—subrule 42.1(3) pertaining to water supplies to perform the analyses being used and shall conform with the following:

a. The total coliform bacteria analyses must be performed using an EPA-approved reference method suitable for producing accurate results considering the conditions of the water being tested.

b. Copies of test results must be retained by the grantee and be provided the owner and user, and to the county board of health of the county in which the well is located. Copies of the test results will be provided to the department upon request.

47.19(5) Follow-up. The grantee will be responsible for follow-up and response to requests from the well owner or well user for assistance relative to well test results, the well-testing program, and satisfactory well construction and location.

47.19(6) Adopted standards. All counties included in the grant application must have adopted standards for private water supplies and private sewage disposal facilities which are at least as stringent as and consistent with the standards adopted by the commission, found in 567—Chapter 49 for non-public water wells and 567—Chapter 69 for on-site wastewater treatment and disposal systems.

47.19(7) Monthly reports. Grantees must submit to the department status reports on each activity contained in the workplan within 10 days following the end of each month using departmental Form No. 542-1337.

47.19(8) Quarterly reports. Grantees must submit to the department status reports on each activity contained in the workplan within 30 days following the end of each fiscal quarter using departmental Form No. 542-1208. Each quarter the grantee shall also submit a report summarizing the analytical results and the factors affecting private water supplies.

47.19(9) Final reports. The grantee shall prepare a final report summarizing the findings from the well-testing, well rehabilitation, and well closure programs. The final report shall include (a) a summary of the analytical results as well as any conclusions determined from the testing program having an effect on the quality of private water supplies; (b) a summary of the number of wells properly rehabilitated and the amount of grant funds used for the costs of properly sealing (rehabilitating) private water wells, plus the total costs incurred for well rehabilitation; (c) a summary of the number of wells properly closed and the amount of grant funds used for the costs of properly plugging private, abandoned water wells, plus the total costs incurred for well closure.

567—47.20(455B) Contents of grant application. Information requested on departmental Form No. 542-1204 must be provided to make a completed grant application. The application shall include, but not be limited to:

47.20(1) The name, address, and telephone number of the chairperson of the county board of supervisors. For applications representing more than one county, the applicant is the chairperson of the county board of supervisors of the lead county responsible for administering the grant.

47.20(2) The name of each county or counties represented in the grant application.

47.20(3) A copy of the adopted standards for each county represented in the application.

47.20(4) For multicounty applications, signed Iowa Code chapter 28E agreements between each participating county and the applicant.

47.20(5) If applicable, an identification of any subcontractor who will participate in the private well-testing, private well sealing, or private, abandoned well closure program, including mailing address and telephone number.

47.20(6) The name and address of the certified laboratory(ies) which will be providing analytical services.

47.20(7) A description of the existing program including staffing for regulating private water supplies and private sewage disposal facilities for each county represented in the application.

47.20(8) The names and qualifications of personnel responsible for carrying out the program. If unknown, include a description of experience or training requirements of staff expected to conduct the grant program as well as listing required responsibilities.

47.20(9) A detailed workplan including, but not limited to, the following:

- a. A description of any proposed environmental health and public information programs related to the well-testing program;
- b. Methods to be used by the applicant for selecting private water supply wells for testing;
- c. The number of wells to be tested;
- d. The duties to be performed by any subcontractor for any part of the grant;
- e. A description of the follow-up activities to be performed by staff in responding to test results;
- f. Record keeping and reporting;
- g. A description of any proposed environmental health and public information programs related to the rehabilitation of private wells or the closure of private, abandoned wells (including cisterns);
- h. Methods of identifying private wells, including abandoned private wells;
- i. Methods of record keeping and reporting information on each private well, including private abandoned wells (and cisterns);
- j. Methods of setting private well rehabilitation priority and private, abandoned well and cistern closure priority based on administrative rules;
- k. Methods of notifying private well and private, abandoned well owners;
- l. Estimated number of private wells to be rehabilitated;
- m. Estimated number of private, abandoned wells (including cisterns) to be closed.

567—47.21 to 47.47 Reserved.

567—47.48(455B) Grant application submission.

47.48(1) Application content. Each application submitted on departmental Form No. 542-1204 must contain sufficient detail to clearly describe how funds will be utilized among the three grant sub-programs and how the grant program will be implemented.

47.48(2) Time of submission. At least 30 days prior to the grant application acceptance period, the department will notify each county board of supervisors. Completed applications must be received by the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, by the close of business on the last business day of the grant acceptance period. Grant applications for state fiscal years, beginning with 1990, will be accepted from September 1 through the end of October prior to the start of the fiscal year.

47.48(3) Application acceptance. Applications for these grants will be accepted from any eligible county board of supervisors. Only those counties which have adopted standards for private water supply and private sewage disposal facilities, at least as stringent and consistent with the standards adopted by the commission, and demonstrate an effort to enforce such standards will be eligible for receiving any grant funds or for participating in a multicounty grant program.

47.48(4) Adequacy of application. After a preliminary review, the department will notify the applicant if the application is not complete. If adequate time exists, the applicant may submit the required information by the end of October to complete the grant application.

567—47.49(455B) Grant application selection.

47.49(1) Consideration withheld. Upon closure of the grant application period at the end of October, the department will not consider any application which is not complete.

47.49(2) Application notification. Applicants will be notified of the acceptance of their completed application and will be advised of the date on which the commission will act on the applications.

47.49(3) Commission selection. The commission will review the list of completed applications received by the department and will act on them for funding. Successful grant applications will be notified of the commission decision and will be issued a grant agreement. All grant applications not approved for funding will be returned to the applicant. All applicants, regardless if successful or not, must reapply in future years if they are to be considered for a future grant.

567—47.50(455B) Multicounty grant applications. Two or more counties may join together to apply for a grant. However, for the purposes of multicounty grant programs, the department will accept only one application from the counties involved. The application is to identify the lead county responsible for administering the grant. For multicounty programs, the department will make one grant to the lead county and not to each individual participating county.

567—47.51(455B) Grant period. Grants will be awarded to successful applicants on an annual basis concurrent with the state fiscal year beginning on July 1 and ending on June 30 of the following calendar year.

567—47.52(455B) Grant agreement. Following commission approval, the department will issue the grantee a grant agreement stipulating specific terms of the grant award.

567—47.53(455B) Timely commencement. Grantees will be expected to commence workplan activities in an expeditious manner. Failure of the grantee to meet the schedule contained in the workplan may be cause for the department to terminate the grant.

567—47.54(455B) Payment.

47.54(1) Grant amount. The grantee will be eligible to receive a sum up to the amount specified in the grant agreement.

47.54(2) Billing periods. The grantee is eligible for a prepayment (up to 25 percent) of the grant amount for approved eligible costs to initiate work as described in the workplan. This amount will be a part of the grant agreement. Normal billing periods will coincide with the quarterly reporting periods.

567—47.55(455B) Record keeping and retention. A grantee shall retain all records and supporting documents related to the administration of the grant for a period of three years. Representatives of the state auditor's office and the department or the department's designee shall have access to all files, accounts and documents pertaining to the grant.

567—47.56(455B) Grant amendments. Grant agreements which have been approved may be amended, if funds are available, to increase or decrease the program scope or to increase or decrease

the program costs. Changes must be well documented and be approved by the department prior to their beginning.

567—47.57(455B) Termination or forfeiture of grant funds.

47.57(1) The grant will be forfeited if the grant was obtained by fraud or misrepresentation regardless of whether grant moneys have already been given to the grantee. Any grant money received or spent shall be repaid to the department.

47.57(2) If the department determines that activities agreed upon in the grant agreement have not been satisfactorily completed, forfeiture of a portion of or the entire grant may result.

47.57(3) The continuation or renewal of a grant shall be contingent upon the county's acceptable performance in carrying out its responsibilities described in the workplan and of meeting the grant program goals and objectives. All grants will be issued for not more than a period of one year concurrent with a state fiscal year. Applicants must reapply to continue or renew any grant within the specified grant application acceptance period. The department may, subject to the approval of the commission, deny awarding of a grant extension or withdraw a grant if it is determined that the county has not carried out the grant responsibilities.

These rules are intended to implement Iowa Code section 455B.172(5).

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CHAPTER 48
Reserved